



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2017 Biennium

|               |        |               |   |
|---------------|--------|---------------|---|
| <b>Bill #</b> | SB0400 | <b>Title:</b> | Create offense of refusal to submit to blood or breath test |
|---------------|--------|---------------|---|

|                         |             |                |               |
|-------------------------|-------------|----------------|---------------|
| <b>Primary Sponsor:</b> | Webb, Roger | <b>Status:</b> | As Introduced |
|-------------------------|-------------|----------------|---------------|

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|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts           | <input type="checkbox"/> Dedicated Revenue Form Attached |

### FISCAL SUMMARY

|   | <u>FY 2016<br/>Difference</u> | <u>FY 2017<br/>Difference</u> | <u>FY 2018<br/>Difference</u> | <u>FY 2019<br/>Difference</u> |
|---|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <b>Expenditures:</b>                    |                               |                               |                               |                               |
| General Fund                            | \$5,900                       | \$0                           | \$5,278                       | \$0                           |
| <b>Revenue:</b>                         |                               |                               |                               |                               |
| General Fund                            | \$33,915                      | \$33,915                      | \$33,915                      | \$33,915                      |
| <b>Net Impact-General Fund Balance:</b> | <u>\$28,015</u>               | <u>\$33,915</u>               | <u>\$28,637</u>               | <u>\$33,915</u>               |

**Description of fiscal impact:** SB 400 creates an offense of refusal to submit to a blood or breath test and establishes penalties, which will result in increased general fund revenue. Creating the new traffic offense will require new forms to be printed and distributed to law enforcement.

### FISCAL ANALYSIS

#### Assumptions:

#### **Department of Justice (DOJ)**

1. SB 400 creates an offense of refusal to submit to blood or breath test and establishes penalties. The penalties are within a set range based on the occurrence of the offense. For purposes of this fiscal note, the minimum fines in new section (2) are used to forecast revenue.
2. Fifty percent of the fines assessed in SB 400 are deposited into the state general fund and fifty percent go to the county in which the fine was issued.
3. The Department of Justice (DOJ) has estimated revenue, using actual 2013 DUI citations as the basis for projections moving forward. The DOJ anticipates that 30% of all fine revenue associated with these refusal fines will be collected, of which 50% is deposited to the general fund.
4. In calendar year 2013, Montana Highway Patrol issued 1,735 citations related to DUI offenses. This number is used to calculate revenue impacts presented in this fiscal note.

5. The Department of Justice (DOJ) assumes a 30% refusal rate to submit to blood or breath tests, resulting in 520 total citations (1,735 DUI offenses \* 30% refusal rate = 520 total citations issued).
6. The fiscal note assumes 377 citations due to 1st refusal offenses resulting in \$16,965 additional general fund revenue generated. (1,256 DUI total citations \* 30% refusal rate = 377 citations \* \$300 fine = \$113,100) (\$113,100 \* 30% estimated revenue collected = \$33,930) (\$33,930 \* 50% = \$16,965 general fund increase).
7. The fiscal note assumes 75 citations due to 2<sup>nd</sup> refusal offenses resulting in \$6,750 additional general fund revenue generated. (251 total DUI citations \* 30% refusal rate = 75 citations \* \$600 fine = \$45,000) (\$45,000 \* 30% estimated revenue collected = \$13,500) (\$13,500 \* 50% = \$6,750 general fund increase).
8. The fiscal note assumes 24 citations due to 3<sup>rd</sup> refusal offenses resulting in \$3,600 in additional general fund revenue generated. (81 total DUI citations \* 30% refusal rate = 24 citations \* \$1,000 fine = \$24,000) (\$24,000 \* 30% estimated revenue collected = \$7,200) (\$7,200 \* 50% = \$3,600 general fund increase).
9. The fiscal note assumes 44 citations due to 4th and subsequent refusal offenses resulting in \$6,615 in additional general fund revenue generated. (147 total DUI citations \* 30% refusal rate = 44 citations \* \$1,000 fine = \$44,000) (\$44,000 \* 30% estimated revenue collected = \$13,200) (\$13,200 \* 50% = \$6,600 general fund increase).
10. The Department of Justice (DOJ) assumes that a two part 8.5" by 11" carbonless form will be used for citation. Current forms are priced at \$9.20 for a pad of 50 two part forms.
11. The DOJ estimates that 25,000 forms will need to be reprinted and distributed to local law enforcement once per biennium. This translates to approximately 500 pads. The estimated cost for new forms to be generated is \$4,600 (500 pads \* \$9.20 per pad).
12. The form will need to be translated into Spanish and is estimated to cost \$700, based on past experience. This will be a one-time only expenditure in FY 2016.
13. The DOJ estimates distribution costs of \$600 to distribute the new forms to 125 local agencies.
14. Costs are inflated at 1.5% in the 2019 biennium.

|   | <b><u>FY 2016<br/>Difference</u></b> | <b><u>FY 2017<br/>Difference</u></b> | <b><u>FY 2018<br/>Difference</u></b> | <b><u>FY 2019<br/>Difference</u></b> |
|---|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|
| <b><u>Fiscal Impact:</u></b>  |                                      |                                      |                                      |                                      |
| <b>FTE</b>  | 0.00                                 | 0.00                                 | 0.00                                 | 0.00                                 |
| <b><u>Expenditures:</u></b>   |                                      |                                      |                                      |                                      |
| Operating Expenses  | \$5,900                              | \$0                                  | \$5,278                              | \$0                                  |
| <b>TOTAL Expenditures</b>   | <u>\$5,900</u>                       | <u>\$0</u>                           | <u>\$5,278</u>                       | <u>\$0</u>                           |
| <b><u>Funding of Expenditures:</u></b>  |                                      |                                      |                                      |                                      |
| General Fund (01)   | \$5,900                              | \$0                                  | \$5,278                              | \$0                                  |
| <b>TOTAL Funding of Exp.</b>  | <u>\$5,900</u>                       | <u>\$0</u>                           | <u>\$5,278</u>                       | <u>\$0</u>                           |
| <b><u>Revenues:</u></b>   |                                      |                                      |                                      |                                      |
| General Fund (01)   | \$33,915                             | \$33,915                             | \$33,915                             | \$33,915                             |
| <b>TOTAL Revenues</b>   | <u>\$33,915</u>                      | <u>\$33,915</u>                      | <u>\$33,915</u>                      | <u>\$33,915</u>                      |
| <b><u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u></b> |                                      |                                      |                                      |                                      |
| General Fund (01)   | \$28,015                             | \$33,915                             | \$28,637                             | \$33,915                             |

**Effect on County or Other Local Revenues or Expenditures:**

1. SB 400 would increase county revenue at the same level as the state as the revenue is split 50/50. Based on the assumptions above, the estimated revenue to the counties would be approximately \$33,915 annually.
2. SB 400 will increase incarcerations in local jails resulting in an unknown amount of additional costs.

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*Sponsor's Initials*

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*Date*

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*Budget Director's Initials*

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*Date*